

UNOFFICIAL COPY

Fresno, California

January 12, 1999

The City Council met as the Redevelopment Agency in regular session at the hour of 8:49 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Member
	Garry Bredefeld	Member
	Chris Mathys	Member
	Henry Perea	Member
	Sal Quintero	Member
	Ken Steitz	Member
	Dan Ronquillo	Member

Dan Fitzpatrick, Executive Director
Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY)

APPROVE AGENCY MINUTES OF JANUARY 5, 1999)

On motion of Member Quintero, seconded by Member Bredefeld, duly carried, RESOLVED, the Agency Minutes of January 5, 1999, approved as submitted.

(“A”) PROVIDE DIRECTION TO STAFF TO PREPARE PACKAGE TO MEET)
PARKING REQUIREMENTS FOR THE GUARANTEE BUILDING SPACE THAT)
INCLUDES, AS MAY BE NECESSARY, TERMS AND CONDITIONS FOR)
LEASE UTILIZATION OF AGENCY OWNED PROPERTY: PARKING LOTS 3,)
3A, THE MERCHANTS LOT AT FRESNO AND BROADWAY PLAZA AND THE)
“KIDNEY SHAPED” LOT AT FRESNO AND BROADWAY - CHAIR RONQUILLO)

Charles Briggs, co-owner of the Guarantee Savings Building, advised a tenant had been secured for the whole building and everything was ready to go except for the necessary parking; urged the Agency to move expediently on a parking lease, and stated in the future he would build a four story parking structure subject to the Agency providing the land. Chair Ronquillo stated a task force needed to be formed consisting of the Agency Director, City Manager, and related staff, and Members Boyajian, Steitz and himself to resolve the issue. Upon question, Mr. Briggs and co-owner Ron Ellison advised Fresno County Adult Social Services would be the tenant, and that this issue would not affect Merchants Auto.

the City, need to prioritize Guarantee's needs, major problem with downtown parking and concerns with addressing the problem piecemeal, the need to deal with the subject issue at this time, the D&DA for the downtown stadium relative to parking commitments, specifics of the Merchants lot and feasibility of the City/RDA taking it over and bringing in a new tenant, need to look into all options for Guarantee's needs, and urgency of the subject issue and need for a parking commitment from the Agency, with Agency Director Fitzpatrick, City Attorney Montoy, City Manager Reid, Mr. Briggs and Mr. Ellison responding to questions and concerns.

Acknowledging downtown had a major parking problem, Chair Ronquillo and Member Mathys stressed the Agency needed to deal with the subject issue now citing the investment of the owners and downtown's revitalization.

A motion to establish the subcommittee as proposed to meet and return with a report was acted upon after additional discussion on deadlines, need for a parking commitment, timeline for return of a staff report, communications to Fresno County on the issue, and need for action to resolve the issue.

On motion of Member Steitz, seconded by Member Boyajian, duly carried, RESOLVED, the Agency commits its support for a temporary parking situation for Parking lots 3, 3A, the Merchants lot at Fresno and Broadway Plaza, and the kidney-shaped lot at Fresno and Broadway, to be determined by a subcommittee hereby established consisting of the Agency Director, City Manager, and required staff, and Members Boyajian, Steitz and Chair Ronquillo, to meet as soon as possible (Thursday) with the Guarantee building owners, and return with a permanent lease and conditions for approval by the Agency on January 26, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

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The Redevelopment Agency adjourned and the City Council convened in regular session at the hour of 9:21 a.m. in the Council Chambers, City Hall.

Pastor Dale McNeil, God's Family Church, gave the invocation.

Councilmember Boyajian led the Pledge of Allegiance to the Flag.

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PRESENTATION OF AWARDS TO LAWLESS ELEMENTARY SCHOOL)
STUDENTS FOR PERFECT ATTENDANCE - COUNCILMEMBER MATHYS)

Presented.

PRESENTATION OF STUDENT OF THE QUARTER AWARDS - COUNCIL-)
MEMBER PEREA)

Presented. (2 - 0)

133-20

1/12/99

PROCLAMATION OF "INSTITUTE FOR FAMILY BUSINESS DAY" - MAYOR)
PATTERSON)

Read and presented..

PROCLAMATION OF "MARTIN LUTHER KING, JR. WEEK" - MAYOR)
PATTERSON)

Read and presented.

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APPROVE COUNCIL MINUTES OF JANUARY 5, 1999)

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of January 5, 1999, approved, **as amended**, as follows: (1) on Page 132-335, Paragraph 3, adding the underlined portion: "President Steitz advised Councilmember Mathys left the meeting due to a prior commitment to address the State of the City Council"; (2) on Page 132-328, 9:00 a.m. "A" item, adding a new Paragraph 2 relative to comments of President Mathys and Councilmember Ronquillo; (3) on Page 132-334, 10:15 a.m. item, adding the first portion to the first sentence of Paragraph 7 relative to comments of Councilmember Ronquillo; and (4) on Page 132-338, 2:30 p.m. #1 item, adding comments of Councilmember Ronquillo to Paragraph 4.

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APPROVE AGENDA:

(5D) *BILL - AMENDING FRESNO MUNICIPAL CODE SECTION 8-125)
RELATING TO EXPOSURE OF TOBACCO PRODUCTS - COUNCILMEMBERS)
PEREA AND BREDEFELD)

Laid over two weeks at the direction of Councilmember Bredefeld

SALE OF WATER TOWER REPLICA AS A FUND-RAISING EFFORT FOR)
RESTORATION OF THE WATER TOWER AS THE VISITOR'S CENTER -)
COUNCILMEMBER QUINTERO)

Councilmember Quintero displayed the water tower replica advising they were on sale for \$50.00 and encouraged all who could to purchase one.

REQUEST BY THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT)
FOR JOINT MEETING - PRESIDENT STEITZ)

Upon question of President Steitz, it was the consensus of Council to meet on a Tuesday with President Steitz stating he would schedule the meeting for sometime in February.

133-21

1/12/99

On motion of Councilmember Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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SUSPEND RULE #15 RELATING TO ORDER OF BUSINESS; AND DIRECTION)
TO RETURN WITH AMENDMENT AND ADOPTION OF REVISED COUNCIL)
MEETING SCHEDULE FOR 1999)

Rule No. 15:

President Steitz requested Council’s support to delete all time references in Rule #15, and to change the time to consider contested Consent items from 2:00 p.m. to 11:00 a.m., and explained. Brief discussion ensued. Councilmember Ronquillo suggested the 3-minute time limit for Councilmembers also be looked into.

On motion of President Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, all time references in Rule #15 deleted, and the time to consider contested Consent Calendar items changed from 2:00 p.m. to 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Council Meeting Schedule:

President Steitz requested the meeting of March 2nd be deleted, and explained the proposed change in start of meeting times for the 3rd and 4th Tuesdays to 2:00 p.m.. Councilmember Mathys stated he preferred all meetings start at 9:00 a.m. and explained. Discussion ensued on the authority of the Council President to change the starting time to 2:00 p.m. due to light agendas, or by a Council majority. Brief discussion ensued on deleting the March 30th meeting as well as the 2nd.

On motion of Councilmember Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, all Council meetings to start at 9:00 a.m., and the Council President or Council majority authorized to change the start time, by the following vote:

Ayes	:	Boyajian, Bredefeld. Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Councilmember Ronquillo noted the Board of Supervisors met every other week and conducted the same amount of business as the City, stated the City could streamline its work and scheduling, and recommended Council meet three times in March, deleting the March 2nd and 30th meetings, and made a motion to that effect, which died

for lack of a second.

Councilmember Bredefeld stated Council had a lot of issues to deal with and he would support deleting only the March 2nd meeting. Councilmember Mathys made a motion to delete the March 30th meeting instead of the 2nd.

On motion of Councilmember Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Council meeting of March 30, 1998, hereby canceled, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the 1999 City Council Meeting Schedule approved, **as amended**, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

- (1A-1) **RESOLUTION NO. 99-11** - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR THE SEGREGATION OF EXISTING ASSESSMENTS TO EACH OF THE NEW PARCELS BEING CREATED BY PARCEL MAP NO. 94-11, SOUTHEAST CORNER OF BULLARD AND FIGARDEN DRIVE)
- (1A-2) ***RESOLUTION NO. 99-12** - 59TH AMENDMENT TO AAR APPROPRIATING \$23,300 TO CONSTRUCT STREET IMPROVEMENTS ON SEQUOIA AVENUE SOUTH OF WHITESBRIDGE AVENUE)
- (1A-3) AWARD A ONE-YEAR REQUIREMENTS CONTRACT FOR IRRIGATION EQUIPMENT AND SUPPLY PARTS, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO: (1) AUTOMATIC RAIN FOR SECTIONS I, V, VI, VII AND VIII IN THE ESTIMATED AMOUNT OF \$127,545.79; AND (2) UNITED GREEN MARK FOR SECTIONS IV, IX, X, XI, AND XIII IN THE ESTIMATED AMOUNT OF \$40,663.07)
1. REJECT ALL BIDS FOR SECTIONS II AND III)
- (1A-4) AWARD A CONTRACT TO DECKER FORD IN THE AMOUNT OF \$145,613.35 FOR FOUR (4) NEW FORD F450 CAB AND CHASSIS TRUCKS AND ONE (1) NEW FORD F350 XLT, 4x4 CREW-CAB AND CHASSIS TRUCK)

133-23

1/12/99'

- (1A-5) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR TAPPING SLEEVES AND TAPPING GATE VALVES TO FAMILIAN PIPE & SUPPLY IN THE ESTIMATED)

AMOUNT OF \$86,024.48)

(1A-6) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PRO-)
VISIONS FOR TWO ONE-YEAR EXTENSIONS FOR TRANSITION COUPLINGS)
AND SADDLES TO FRESNO PIPE & SUPPLY IN THE ESTIMATED AMOUNT)
OF \$28,382.81)

(1A-7) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PRO-)
VISIONS FOR TWO ONE-YEAR EXTENSIONS FOR FULL CIRCLE CLAMPS,)
MECHANICAL JOINT SLEEVES, ELBOWS AND HYDRANT ASSEMBLY)
PARTS TO FAMILIAN PIPE & SUPPLY IN THE ESTIMATED AMOUNT OF)
\$47,293.32)

(1A-8) APPROVE CHANGES DUE TO THE ELECTION OF A NEW COUNCIL)
PRESIDENT)

1. *RESOLUTION NO. 99-13 - 64TH AMENDMENT TO AAR 98-158 MOVING)
\$9,400 IN ADDITIONAL SALARY FOR THE COUNCIL PRESIDENT AND \$20,500)
FOR THE EXECUTIVE ASSISTANT TO THE COUNCIL FROM THE COUNCIL)
SUPPORT BUDGET TO DISTRICT 4'S BUDGET)

2. *RESOLUTION NO. 99-14 - 10TH AMENDMENT TO PAR 98-160 MOVING THE)
POSITION OF EXECUTIVE ASSISTANT TO THE COUNCIL FROM DISTRICT 2)
TO DISTRICT 4)

(1A-9) RESOLUTION NO. 99-15 - APPROVING THE PURCHASE OF A USED)
GAS AND STEAM TURBINE POWER GENERATION FACILITY TO BE USED)
AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION)
FACILITY WITHOUT COMPETITIVE BIDDING UNDER THE SOLE SOURCE)
EXCEPTION)

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED,
the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

(1B-1) BILL NO. B-3 - TEXT AMENDMENT APPLICATION NO. TA-98-002 AND)
ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, PROPOSING)
TO MODIFY THE YARD SETBACK REQUIREMENTS FOR CERTAIN LOTS,)
NONCONFORMING AS TO LOT AREA, IN THE R-A, SINGLE FAMILY RESI-)
DENTIAL/AGRICULTURAL DISTRICT)

133-24

1/12/99

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED,
the above entitled Bill No. B-3 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-98-33, FILED)
BY THE DAMONE GROUP, PROPERTY LOCATED ON THE SOUTHEAST)
CORNER OF N. MILLBROOK AND E. ALLUVIAL AVENUES)
1. BILL NO. B-4 - ORDINANCE NO. 99-2 - AMENDING THE OFFICIAL ZONE)
MAP TO REZONE FROM R-1/UGM TO R-1/UGM)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Councilmember Mathys stated the project was needed as the City was lacking in senior facilities and stated his support. Upon question of Councilmember Bredefeld, Planner Beach stated parking for this project would be over and above what was allowed for in the Municipal Code, with Councilmember Bredefeld referencing problems with on-site parking for other facilities in the north and requesting staff be sensitive to that issue with these types of centers. Councilmember Mathys clarified the parking issue with a facility on Alluvial and concurred with Councilmember Bredefeld on the need for on-site parking.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-98-33/C-98-206 hereby approved; and the above entitled Bill No. B-4 adopted as Ordinance No. 99-2, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5A) REPORT FROM THE CITY MANAGER AND TRAFFIC DIVISION)
STAFF REGARDING THE PARKING AGREEMENT FOR THE JUVENILE)
DEPENDENCY COURT ON THE FULTON MALL - COUNCILMEMBER)
RONQUILLO (DISCUSSED AGAIN LATER IN THE MEETING))

Councilmember Ronquillo reviewed the background of the issue and expressed concern with the proposed parking rate of \$18.00 per stall. City Manager Reid stated it was his understanding the only issue outstanding related to some of the indemnity clauses and provisions and explained, and noted when the subject agreement comes back in 30 days, Council would have to take into account that under the D&DA with the Diamond Group, the 168 spaces would have to be replaced elsewhere. Councilmember Ronquillo stated some parking areas would have to be excluded from the D&DA, expressed further concerns with issue No. 7 of the staff report, and questioned if 30 days would be acceptable to Mr. Patterson stating that was too long.

Upon question of Councilmember Bredefeld, City Attorney Montoy stated Council did give prior direction to proceed with terms of the D&DA, with Councilmember Bredefeld urging Council be cognizant of that issue as it was an important one. Upon the recommendation of President Steitz, Ms. Montoy stated staff would report back

on January 26th on the subject issue along with the Guarantee issue from earlier in the meeting and the D&DA with the Diamond Group

Councilmember Ronquillo advised Mr. Patterson was on his way and requested the issue be tabled to later in the meeting, with Council consenting.

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(10:15 A.M.) DISCUSSION AND PRESENTATION ON MEDIA ONE PEDESTAL)
EQUIPMENT INSTALLATION PROGRAM - COUNCILMEMBER QUINTERO)

Councilmember Quintero reviewed the background of the issue and MediaOne's installation of cable equipment in southeast Fresno, advised of constituent complaints, and questioned the spacing process for placement of the boxes.

Eileen Martin, Vice President and General Manager of MediaOne, **(3 - 0)** explained the installation process and stated they tried to place the boxes in areas where they would not be inconvenient to homeowners adding unfortunately that was not always possible. Councilmember Quintero expressed his concerns in personally dealing with MediaOne stating they did not allow for any flexibility in trying to resolve his concerns and explained.

Ms. Martin responded to concerns, stated she was surprised to learn the issue was scheduled this date as she was of the understanding suggestions and recommendations relayed last year by Councilmembers Bredefeld and Mathys had been working, explained the process of how MediaOne addressed 46 complaints out of 774 letters sent out, and concluded stating they wanted to work with the City in addressing all concerns. Councilmember Quintero briefly advised of additional concerns.

Speaking in opposition to the installation process were: Frank Balekian, 398 N. Martha; and Karen Musson, 1771 S. Waverly, on behalf of Sunnyside Place 2 Homeowners.

Councilmember Bredefeld stated he shared Councilmember Quintero's concerns and stressed the City should still try to mandate underground installations since they had that right. Questioning if the City had the authority to mandate, Assistant City Attorney Avila stated the answer would be a cautious "yes" as the franchise provision was not as clear as he would like it to be. Councilmember Bredefeld directed the issue of mandating underground installations be scheduled on January 26th, whereupon the matter was set for February 2nd at 10:00 a.m. Upon the request of Councilmember Mathys, Ms. Martin stated MediaOne would include County residents in the notification process.

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(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-98-37, FILED)
BY IMAGE HOMES, PROPERTY LOCATED ON BOTH SIDES OF N. TENTH)
AVENUE BETWEEN E. COLE AND EVERGLADE AVENUES)

1. BILL NO. B-5 - ORDINANCE NO. 99-3 - AMENDING THE OFFICIAL ZONE)
MAP TO REZONE FROM R-1-C/UGM/cz TO R-1/UGM)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Planner Wahlenmaier briefly reviewed the staff report as submitted, and responded to a Council question on the difference between the R-1-C and R-1 zone districts. Councilmember Quintero briefly left the meeting at 10:59 a.m.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the Mitigated Negative Declaration issued on December 14, 1998, for Environmental Assessment No. TPM-98-18, R-98-37 hereby approved; and the above entitled Bill No. B-5 approving Rezoning Application No. R-98-37 to become effective upon compliance with the requirements of FMC Section 12-403-K and L adopted as Ordinance No. 99-3, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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(5A) REPORT FROM THE CITY MANAGER AND TRAFFIC DIVISION)
STAFF REGARDING THE PARKING AGREEMENT FOR THE JUVENILE)
DEPENDENCY COURT ON THE FULTON MALL - COUNCILMEMBER)
RONQUILLO (CONTINUED FROM EARLIER IN THE MEETING))

Councilmember Quintero returned to the meeting at 11:01 a.m. Ron Patterson expressed concerns with item Nos. 1, 3, 4 and 5 of the staff report. Discussion ensued on the proper forum for negotiating terms of the agreement, timeline on parking needs of Mr. Patterson, on-going parking study by the City, and staff report back on the overall impact of downtown parking and the non-resolved issues of the subject agreement. (4 - 0) At the direction of Councilmember Ronquillo and with Council consensus, staff to report back to the Council and Agency on January 26th.

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(11:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-98-18,)
REZONING APPLICATION NO. R-98-30, AND VARIANCE APPLICATION NO.)
V-98-24, FILED BY DAVID OCHOA, PROPERTY LOCATED ON THE NORTH-)
EAST CORNER OF E. BUTLER AND S. CHESTNUT AVENUES)
1. RESOLUTION - AMENDING THE ROOSEVELT COMMUNITY PLAN)
(PLANNING COMMISSION RECOMMENDATION - NOT ADOPTED))
2. RESOLUTION NO. 99-16 - AMENDING THE ROOSEVELT COMMUNITY)
PLAN, AS AMENDED (APPLICANT'S REQUEST))

3. BILL NO. B-6 - ORDINANCE NO. 99-4 - AMENDING THE OFFICIAL ZONE)
MAP TO REZONE FROM C-2/BA-30 TO C-2, AS AMENDED)

4. RESOLUTION - AUTHORIZING VARIANCE APPLICATION NO. V-98-24)
(*PLANNING COMMISSION RECOMMENDATION - NOT ADOPTED*))
5. RESOLUTION NO. 99-17 - AUTHORIZING VARIANCE APPLICATION)
NO. V-98-24, **AS AMENDED** (*APPLICANT'S REQUEST*))

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach reviewed the proposed project and issues at length, stated staff was recommending denial of the project, and advised if Council wished to approve the applicant's request that the plan amendment be approved subject to the criteria noted in the Staff Report, the rezoning application be approved, and variance findings be made based on existing precedents and explained. Mr. Beach advised general conditions of the Police Department had been previously distributed to Council, a copy of which is on file in the office of the City Clerk.

David Ochoa, Applicant, spoke in support of the project and requested Council's support.

Speaking in opposition to the project were: Kay Koelsch, 2027 S. Renn, Chair, Roosevelt Plan Implementation Committee, who also displayed photographs of the subject restaurant/area; Carol Eland, 4881 E. Butler, Secretary, Sunnyside Condominium Village Homeowners Association; Linda Dhillon, 4846 E. Butler; and John Eland, 4881 E. Butler.

Leonard Lovato, 2493 S. Rowell, spoke in support of the project.

Continuing in opposition were: Sue Williams, 5437 E. Montecito, Roosevelt Implementation Plan Committee Member; and Karen Musson, Co-Chair, Governmental Liaison Committee of the Sunnyside Property Owners Association, and Vice Chair of the Roosevelt Implementation Committee. Councilmember Ronquillo briefly left the meeting at 11:40 a.m. After 3+ minutes of testimony, Ms. Musson was asked to summarize and conclude her testimony. Ms. Musson advised she had more to present and the following action was taken:

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, five additional minutes hereby allotted to Ms. Musson to conclude her testimony, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

Ms. Musson continued and concluded her testimony. Councilmember Ronquillo returned to the meeting at 11:46 a.m.

Continued speakers in support of the project were: Santiago Rodriguez, 4867 E. Butler; and Sal Blanco, 6729 N. Palm, representing the Ochoa's, who also spoke to the issue of variance findings and an alternative code provision.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

variance is not granted, constructing the patio in front of the restaurant, and safety measures for patrons.

Councilmember Mathys briefly commented on the issue stating he would support the applicant. Councilmember Quintero commented on the history of the area, changes, new projects, and types of business desired, and stated because the area was in an upswing and the subject business was a good one he would support the applicant. Upon question, Mr. Beach clarified staff's recommendation to continue the 15-foot landscape setback requirement, should the policy be amended. Councilmember Ronquillo expressed his support for the applicant's request stating outdoor atmospheres for people were needed and explained.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a mitigated negative declaration for Environmental Assessment No A-98-18, R-98-30, V-98-24 hereby approved; the above entitled Resolution No. 98-16 (applicant's request) approving Plan Amendment Application No. A-98-18 to allow for a deviation from Roosevelt Community Plan Policy No. 1-5.8 requiring a 15-foot landscaped setback adjacent to major streets adopted, as amended; the above entitled Bill No. B-6 approving Rezoning Application No R-98-30 adopted as Ordinance No. 99-4, as amended; variance findings hereby made based on existing precedents established in nearby shopping centers and commercial developments; the above entitled Resolution No. 98-17 (applicant's request) authorizing Variance Application No. V-98-24 adopted, as amended; and the general conditions of the Police Department included, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld
Absent	:	None

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LUNCH RECESS - 12:14 P.M. - 2:08 P.M. Councilmembers Boyajian and Ronquillo were absent and returned later in the meeting during the 2:30 p.m. issue.

(5B) REQUEST FOR REPORT FROM STAFF ON CHANGE IN PLUMBING)
STANDARDS FROM COPPER TO "AQUA PEX" (PLASTIC PIPE) IN)
RESIDENTIAL HOMES - COUNCILMEMBER PEREA)

Councilmember Perea directed the issue be laid over to January 26th.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Item 5B laid over to January 26, 1999, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Boyajian, Ronquillo

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(5C) DIRECT CITY ATTORNEY TO PREPARE AN ORDINANCE ESTABLISH-)
ING CAMPAIGN CONTRIBUTION LIMITS OF \$1,000 PER INDIVIDUAL, \$2,500)
PER POLITICAL ACTION COMMITTEE (PAC), AND \$5,000 PER BROAD-BASED)
POLITICAL ACTION COMMITTEE - COUNCILMEMBER BREDEFELD)
(DISCUSSED AGAIN LATER IN THE MEETING))

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **Item 5C** tabled to later in the meeting for a full Council, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz
Noes : None
Absent : Boyajian, Ronquillo

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(5E) DISCUSSION AND POSSIBLE ACTION REGARDING CLOSURE OF “M”)
STREET DURING CONVENTION CENTER/SELLAND ARENA/SAROYAN)
THEATER EVENTS - COUNCILMEMBER BREDEFELD)

Councilmember Bredefeld questioned the policy of closing off streets noting “M” Street was closed off for a basketball game with charges for parking. City Manager Reid reviewed the background of the issue stating the street was first closed off for certain events with much popularity, advised of a contract and plans to develop permanent improvements to facilitate the closure of the street for special events, stated at this time the street was being closed only for basketball games to offset the loss of parking with the closure of the conference center parking garage, and advised the City had the ability to close streets based on authorities of the Highways Code for temporary closures. City Attorney Montoy stated she would look further into the issue and brief discussion ensued

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE)
SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, JORGE AGUINIGA,)
AND ANDREW SOUZA; EMPLOYEE ORGANIZATION: IBEW)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME:)
CITY OF FRESNO V. NEREIDA ARMENTA FERRER, ET AL; LONNELL)
PERKINS V. NEREIDA ARMENTA FERRER, ET AL)

The Council met in closed session in room 2125 at the hour of 2:21 p.m. to consider the above issues and reconvened in regular open session at 2:36 p.m.

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(2:30 P.M.) *BILL NO. B-2 - ORDINANCE NO. 99-5 - AMENDING SECTION)
9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES,)
BY DECLARING A PAY TELEPHONE TO BE A PUBLIC NUISANCE WHEREIN)
CERTAIN CONDITIONS EXIST)

A motion and second to adopt the ordinance was acted upon after discussion.

Ed Bailey, Vice President, NAACP, and Bob Hurth, 2100 Tulare Street, spoke in opposition to removing pay phones stating it would be a horrendous disservice to those who rely on them.

Upon the request of President Steitz, Deputy City Attorney Slater stated the proposed ordinance would give Council the authority to declare what a public nuisance was under state law, and explained the process after being so declared and enforcement.

Continuing in opposition to removing pay phones were: Royce Tawney, 2633 N. DeWolf, who also requested Council to look at alternatives first before removing phones; Lucille Wheaton, 3685 N. Fruit (6 - 0); Valta Pointer, 1734 W. Shaw; Diane Scott, 4843 N. Thesta; and Dave Pruett, P.O. Box 8238, who requested the City work with pay phone providers to resolve problems.

Councilmember Perea addressed concerns raised, clarified the ordinance would provide tools to deal with problem phones and emphasized there would be a process to follow prior to removal of phones if a situation ever got to that point. Councilmembers Boyajian and Ronquillo arrived at 3:10 p.m.

Mr. Tawney responded to questions of Councilmember Mathys relative to legality of a certain provision of the proposed ordinance, identification of phones, and locations of his phones. Councilmember Mathys stated he could not support the ordinance as it was not legal, the industry had not been included, and small business owners (pay phone operators) would be the ones affected, and made a substitute motion. Councilmember Bredefeld briefly left the meeting at 3:15 p.m.

A substitute motion of Councilmember Mathys, seconded by President Steitz, to table the issue two weeks to allow the industry to meet with Mr. Slater and Councilmember Perea failed to become the main motion, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Boyajian, Perea, Quintero, Ronquillo
Absent	:	Bredefeld

Councilmember Bredefeld returned to the meeting at 3:17 p.m. Councilmember Quintero addressed concerns raised, stated some of his concerns dealt with the number of phones in close proximity, locations on sidewalks and near buildings, and graffiti, and presented questions to Mr. Tawney and Mr. Pruett relative to the number of their phones in the City and if they (pay phone operators) received a commission. Planning Manager Yovino responded to questions relative to number of pay phone operators in the City and the permit process.

Noting the proposed ordinance was a little more liberal than what he wanted and needed to address problems in the inner-city, Councilmember Ronquillo stated it was a reasonable one, and added sometimes pay phones were a discouragement for businesses and by eliminating problem phones areas would be enhanced resulting in better pay backs. Councilmember Perea advised the list of 14 phones originated from his office and he would make it available, and clarified how and why the list was developed.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-2 adopted as Ordinance No. 99-5, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Boyajian, Mathys, Steitz
Absent	:	None

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(3:00 P.M.) DIRECT CITY MANAGER TO DIRECT STAFF TO ENTER INTO)
NEGOTIATIONS WITH THE FRESNO WILDLIFE REHABILITATION SERVICE)
AND THE SAN JOAQUIN RIVER CONSERVANCY AND PARKWAY TRUST,)
FOR THE PURPOSE OF PREPARING A PARCEL MAP TO DEED APPROXI-)
MATELY EIGHT ACRES OF TRACT NO. 4421, ALSO KNOWN AS THE 35 ACRE)
RIVER PARK DONATION TO THE FRESNO WILDLIFE REHABILITATION)
SERVICE, TO BE USED FOR WILDLIFE RELEASE, REHABILITATION AND)
PRESERVATION - COUNCILMEMBER MATHYS)

Councilmember Mathys read a statement relative to the purpose and services of the Fresno Wildlife Rehabilitation Service (FWRS) (**7 - 0**), reviewed his proposal stating the Ellis and Thomason families who donated the land were in support, clarified this would give the FWRS the opportunity to be involved in the planning analysis, and made a motion that the Fresno Wildlife Rehabilitation Service be included in the planning analysis being conducted by the Parks and Recreation Department; that a comprehensive plan for the City property, including its incorporation into the San Joaquin River Parkway Plan, be concluded and presented to Council for its approval prior to the determination of ownership of the subject parcel; and that the City pursue reservation of a portion of the property for the needs and ownership of the Fresno Wildlife Rehabilitation Service as part of the planning process, which was seconded by President Steitz.

Speaking in support of the issue were: Michael Stafford, Tenaya Middle School Teacher and Wildlife Biologist; and Kathy Garner, FWRS.

Dave Koehler, Executive Director, San Joaquin River Parkway and Conservation Trust, stated input of FWRS would be good and that the everyone would be best served if the property was in single ownership and managed as such.

Councilmember Perea stated he supported the efforts of the FWRS 100% but at issue was direction given last October 27th relative to ownership of the land and explained, stated Councilmember Mathys was trying to undue what was voted on unanimously, and urged the motion not be supported. Councilmember Ronquillo stated he would also support the prior direction and suggested a Memorandum of Understanding (MOU) be entered into to address the needs of the FWRS.

Councilmember Bredefeld concurred everyone supported the FWRS , stressed the motion on October 27th was clear to deed the property to the Trust or Conservancy, and made a substitute motion to reaffirm the October 27th motion and include the FWRS in the planning process, which was seconded and acted upon after additional discussion.

City Manager Reid reviewed the status of the issue relative to timeline and the City's work on the improvements and stated he would work expeditiously to that end, commented on FWRS' concerns in working with the trust to address their needs adding their involvement in the planning process would benefit them, and requested clarity on the rights of arrangements.

Upon the request of Councilmember Boyajian, Mr. Koehler clarified the October 27th motion. Brief discussion ensued on the motion on the floor.

Councilmember Mathys reiterated and clarified the donating families wanted part of the property to be used for wildlife; emphasized he was trying to include a very worthwhile organization adding he was not even aware of the organization at the time of the October 27th vote; stated he wanted FWRS included in the planning process to address their concerns no matter who ended up owning the land; and requested an addition to the motion that the needs of the FWRS be addressed before deeding the property over to the Trust or Conservancy, which request was not accepted by the motion-maker.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the call for the question (substitute motion) hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Ronquillo, Steitz
Noes	:	Mathys, Quintero
Absent	:	None

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to reaffirm the motion of October 27, 1998, and include the Fresno Wildlife Rehabilitation Service in the planning process became the main motion, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None
Abstain	:	Quintero

Councilmember Quintero stated the FWRS seemed like a natural fit, and upon question, Mr. Koehler stated he would meet with them to incorporate what they might envision doing there in the planning process, stated he had a lot of respect for Ms. Garner and the FWRS, and reiterated it would be best served if the property stayed in single ownership for organized and continuous management. Upon question of Councilmember Mathys, President Steitz clarified the FWRS would not be a part of the deed but would be included in negotiations and planning.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, debate on the issue hereby closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the motion of October 27, 1998, hereby reaffirmed, and the Fresno Wildlife Rehabilitation Service to be included in the planning process, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY PETER BARTLETT, ON BEHALF OF TRAVIS COMPTON,)
 REGARDING LAWSUIT FILED ON MR. COMPTON AS A RESULT OF HIS SERVICE)
 ON THE BULLARD IMPLEMENTATION COMMITTEE)

Mr. Bartlett read a statement, a copy of which is on file in the office of the City Clerk, from Travis Compton requesting the City to immediately and aggressively intercede with the Federal Court to dismiss Mr. Compton from the lawsuit. Councilmember Ronquillo briefly left the meeting at 4:18 p.m. City Attorney Montoy advised the matter was in litigation and that Council would take the request under submission. Councilmember Mathys briefly left the meeting at 4:19 p.m. Upon question of Councilmember Perea, Ms. Montoy stated the issue would be set for closed session in two weeks.

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(5C) DIRECT CITY ATTORNEY TO PREPARE AN ORDINANCE ESTABLISH-)
 ING CAMPAIGN CONTRIBUTION LIMITS OF \$1,000 PER INDIVIDUAL, \$2,500)
 PER POLITICAL ACTION COMMITTEE (PAC), AND \$5,000 PER BROAD-BASED)
 POLITICAL ACTION COMMITTEE - COUNCILMEMBER BREDEFELD)
 (CONTINUED FROM EARLIER IN THE MEETING))

Noting there was not a full Council present, President Steitz questioned if Councilmember Bredefeld wanted to hear the issue which had been tabled earlier in the meeting for a full Council.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the issue brought back from the table for consideration, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Mathys, Ronquillo

Councilmember Bredefeld stated due to Proposition 208 the City's contribution rates were rescinded, noted Proposition 208 was ruled unconstitutional and the City now had no limits, and requested Council's support adding this would ensure a sense of trust with the public. Councilmember Mathys returned to the meeting at 4:22 p.m. (8 - 0) Upon question of President Steitz, Councilmember Bredefeld confirmed the ordinance would be the same as the one previously rescinded (Ordinance No. 92-88), and made motion to move direction as outlined.

Councilmember Mathys noted the State Fair Political Practices Commission (FPPC) already regulated contributions from the Governor down to the local level, stated the direction would create another level of bureaucracy, and made a substitute motion to adhere to FPPC's guidelines, which motion was deemed unnecessary.

Councilmember Perea stated he had no problem with a level playing field and that he would support the measure with the understanding that the field be level, including limiting the amount of money one could contribute to themselves referencing names mentioned for the upcoming Mayoral race and their personal wealth. Councilmember Bredefeld requested Council's support stating this would not be a disservice to the people as mentioned and emphasized this was about doing the right thing. Councilmember Perea seconded Councilmember Bredefeld's motion contingent upon considering expansion of limits adding specific amounts would be discussed when the ordinance comes back, if Council moved in that direction. Brief discussion ensued with Ms. Montoy stating she would provide a report back with more detail along with the draft ordinance.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the City Attorney directed to prepare an ordinance establishing campaign contribution limits of \$1,000 per individual, \$2,500 per political action committee, and \$5,000 per broad-based political action committee, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Ronquillo
Noes	:	Mathys, Quintero, Steitz
Absent	:	None

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THANKS AND APPRECIATION TO MARDIA MAGDALENO, DISTRICT)
4 COUNCIL ASSISTANT - PRESIDENT STEITZ)

President Steitz stated this would be the last working week of Ms. Magdaleno, and expressed his thanks stating she would be sorely missed.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:41 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____, 1999.

ATTEST: _____	
Ken Steitz, Council President	Yolanda Salazar, Assistant City Clerk